

USDC SDNY
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Defendants.

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OPINION & ORDER

On June 13, 2016, Defendant DFS moved for spoliation sanctions against Plaintiff for deleting a recording of a relevant conversation, *see* Dkt. 44, 46, and on July 8, 2016, Defendant Guevara joined the DFS’s motion, Dkt. 51 at 1. On March 31, 2017, the Court granted the Defendants’ motion, and “determine[d] that Defendants are entitled to their attorney’s fees and costs incurred in bringing the [spoliation sanctions motion] and in reopening discovery.” Dkt. 112 at 12. The Court, therefore, ordered Defendants to “submit documentation detailing their costs and attorney’s fees associated with the spoliation sanctions motion as well as reopened discovery.” *Id.*

On September 1, 2017, Defendants submitted documentation in support of DFS's request for \$46,548.75 and Guevara's request for \$12,300.00. Dkt. 115, 116. On September 7, 2017, Plaintiff objected to the requested award, stating, in part, that the requested award "far exceeds what Ms. Hsueh is able to afford." Dkt. 117 at 2. But, Plaintiff did not support her claimed financial condition with objective documentation. Without objective documentation, the Court finds it is not proper to consider Ms. Hsueh's financial condition.

Therefore, the Court orders Ms. Hsueh to submit, by October 20, 2017, objective data supporting her financial hardship. Specifically, the Court orders Ms. Hsueh to submit, under seal, (1) Ms. Hsueh's Form W-2 for 2016, (2) any Form 1099's Ms. Hsueh received in 2016, and (3) a list of assets and/or liabilities (e.g., cash, stocks, real-estate) legally owned by Ms. Hsueh, and their values (and, if co-owned, the percentage of ownership). To be clear, the Court seeks documentation only on Ms. Hsueh's financial condition.

Dated: New York, New York
September 21, 2017

SO ORDERED



PAUL A. CROTTY
United States District Judge